16. (Amended) A method for distributed remote network monitor (dRMON) in LAN

comprising:

deploying dRMON agents within ESs said agents implementing ~~prior art~~

RMON functional groups but only capturing and analyzing packets that their native ES sends

or receives;

on a regular, periodic basis having the dRMON agents forward statistics and/or

captured packets to a dRMON proxy or collector, existing somewhere on the WAN/LAN;

and

combining received agent data thereby creating at the proxy the view that a ~~prior art~~

stand-alone RMON probe would have if all the ES were on the same LAN segment with it.

17. (Amended) The method according to claim 16 wherein said proxy can mimic the SNMP

responses of a prior art non-distributed RMON probe so that existing network application

management software can interact with the proxy as though the proxy were a ~~prior art~~ probe.

18. (Amended) The method according to claim 16 wherein in a default mode, ESs in the same

multicast domain are treated by a proxy as though they are on one LAN segment to RMON

applications to interact with the proxy though it were a ~~prior art~~ probe and in an enhanced

dRMON Managers a user is provided with the ability to combine ports and hosts in order to

create Virtual LAN (VLAN) definitions to cause the monitoring function to behave as though

all selected hosts were on the same LAN segment being served by the same RMON probe

with the dRMON collector in this embodiment creating and maintaining several such views with each appearing as one interface to conventional RMON Management applications.

19. The method according to claim 16 whereby said agents perform continual response time monitoring and forward the results to the Proxy.

20. (Amended) The method according to claim 16 whereby said ~~agemt~~ agent software utilizes native OS APIs to gather information about the ES that could not be ~~via~~ packet capture and analysis, such as: (1) Network protocol stack configurations and NIC configurations including problematic situations; (2) Application information ranging from what protocols an application is bound to, to its manufacturer, version, file date and time, DLLs used and their versions~~, etc.~~; (3) System information such as memory, CPU, disk space, current resource utilizations~~, etc.~~; and (4) System performance metrics.

<center>REMARKS</center>

Claims 16-20 are currently pending. Claim 16 has been amended herein. The amendment to Claim 16 adds no new matter and is fully supported in the specification. Reconsideration and allowance of these Claims are respectfully requested.

<center>Claim Objections</center>

The references in the Claims to "prior art" have been removed. Therefore, the Applicants respectfully request that the objection to the Claims be withdrawn.

<center>112 Rejections</center>

The references in the Claims to the terms that the Examiner cited as being objectionable in the outstanding Office Action have been removed by amendments made to the Claims herein. Consequently, the Applicants respectfully request the withdrawal of the 112 rejections.

The Applicants respectfully disagree with the Examiners objection to the use in Claim 20 of the term "metrics". As it regards the use of the term "metrics" in Claim 20, this term is employed to convey its plain, commonly understood meaning, which is "a standard of measurement." The withdrawal of the 112 rejection made on this basis is respectfully requested.

<center>102 Rejection</center>

Claims 16 is rejected under 35 U.S.C. § 102(b) as being anticipated by Raab et al. (U.S. Patent No. 6,047,321). Applicants have reviewed the recited references and respectfully submit that the present invention as is recited in Claim 16 is neither shown nor suggested by the Raab et al.

The Examiner is respectfully directed to independent Claim 16 which recites that an embodiment of the present invention is directed to:

> ...deploying dRMON agents within ESs said agents
> implementing RMON functional groups but only
> capturing and analyzing packets that their native
> ES sends or receives; on a regular, periodic basis
> having the dRMON agents forward statistics and/or
> captured packets to a dRMON proxy or collector,
> existing somewhere on the WAN/LAN...

Raab et al. does not anticipate nor render obvious a method for distributed remote network monitoring comprising, "deploying dRMON agents within ESs said agents implementing RMON functional groups but only capturing and analyzing packets that their native ES sends or receives." Raab et al. only discloses a method and apparatus for monitoring a dedicated communications <u>medium</u> in a switched data network. As such, Raab et al. is only concerned with the monitoring of the <u>medium between network connected devices</u> and not the network connected devices themselves. In fact, Raab et al. teaches at column 4, lines 33-37 that his disclosed system monitors the traffic patterns "between workstations." Nowhere, does the Raab et al. reference show or suggest monitoring data in end systems (ESs) as is recited in applicants Claim 16. Consequently, Raab et al. does not anticipate or render obvious the applicants invention as is recited in the Claims.

Therefore, Applicants respectfully submit that Raab et al. does not anticipate nor suggest the present Claimed invention as is recited in independent Claim 16 and that independent Claim 16 traverses the Examiners basis for rejection under 35 U.S.C. 102(e). Accordingly, Applicants submit that Claim 16 is in condition for allowance.

Claims 17 and 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Raab et al. (U.S. Patent No. 6,047,321) in view of Dobbins et al. (U.S. Patent 5,790,546). Dobbins

et al. does not overcome the shortcomings of Raab et al. noted above. Nowhere, does the Dobbins et al. reference show or suggest monitoring data in end systems (ESs) as is recited in applicants Claim 16. Consequently, Raab et al. in view of Dobbins et al. does not anticipate or render obvious the applicants invention as is recited in the Claims.

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Raab et al. (U.S. Patent No. 6,047,321) in view of Umetsu (U.S. Patent 5,751,963). Umetsu does not overcome the shortcomings of Raab et al. noted above. Nowhere, does the Umetsu reference show or suggest monitoring data in end systems (ESs) as is recited in applicants Claim 16. Consequently, Raab et al. in view of Umetsu does not anticipate or render obvious the applicants invention as is recited in the Claims.

Claims 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Raab et al. (U.S. Patent No. 6,047,321) in view of Nugent et al. (U.S. Patent 6,076,131) and further in view of Engel et al. (U.S. Patent No. 6,115,393). Nugent et al. further in view of Engel et al. does not overcome the shortcomings of Raab et al. noted above. Nowhere, does either the Nugent et al. or Engel et al. references show or suggest monitoring data in end systems (ESs) as is recited in applicants Claim 16. Consequently, Raab et al. in view of Nugent et al. and further in view of Engel et al. does not anticipate or render obvious the applicants invention as is recited in the Claims.

Conclusion

In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

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Reginald A. Ratliff
Registration No. 48,098
Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060